

3/13/0804/OP – Summary of consultation replies

The application was registered on 22 May 2013 and was advertised in the press and on site as both a major application and a departure from the development plan, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Consultation took place in relation to the application as originally submitted and then following the amendments of Sept and Oct 2013. Further more limited consultation was undertaken in relation to the final amendments received in March 2014.

This paper provides a summary of the consultation responses received and is divided into the following categories:

- 1 Replies from statutory consultees
- 2 Local Interest Groups and Societies
- 3 Other third party representations including from individual local residents.

1.0 **Statutory Consultation responses**

1.1 Hertfordshire County Highways comments are set out in Essential Reference Paper C1.

1.2 Hertfordshire County Council (HCC) Development Services Team comments remain as set out in the consultation response summary submitted as part of the report submitted to the 5 December 2013 meeting and the additional representation summary paper presented to that meeting.

1.3 The Environment Agency comment in a letter dated 30 October 2013 that the amended details include the Water Quality Assessment Approach that has an alternative option to discharge surface water should it be found to pose a risk to groundwater quality in the area. The Environment Agency therefore remove an earlier objection, subject to the provision of planning conditions.

Planning conditions recommended by the Environment Agency relate to the provision of additional information in respect of surface water drainage, its management and monitoring; the provision of information relating to foul sewerage treatment; implementation of drainage attenuation ponds; and buffer zones around existing water courses.

- 1.4 Sport England say that previous comments made in relation to application 3/13/0075/OP remain relevant to this application. The only additional comments they make are in relation to the detailed design aspect of this application.

In terms of the detailed design of the proposed Hoggate's Park playing fields, the Football Association consider that work should be undertaken to explore the potential for Bishops Stortford Swifts FC (who are currently based on the nearby Silver Leys site) to relocate to this facility as the club are of an appropriate size for occupying a facility of this scale. If the club could relocate this would potentially free up the club's existing facilities for Bishops Stortford Rugby Club to expand onto. However, this approach would only be appropriate if off-site football provision was made for meeting the needs of Bishops Stortford Community Football Club at the same time as this club requires more pitches and facilities to meet its needs.

The detailed plans that have been submitted as part of the phase 1 application show that only the southern part of the Hoggate's Park is proposed for sports pitches. It is estimated that the two junior football pitches shown plus their run off areas cover an area of around 0.93 hectares. The remaining 1.49 ha is proposed for a NEAP, informal open space, the pavilion and car parking. A site of 2.42 hectares of a regular shape suitable for pitches would usually have sufficient space for the equivalent of at least three adult football pitches and ancillary facilities. As such the area that is being proposed for outdoor sport is around 0.93 ha in practice.

The full planning application for phase 1 which incorporates Hoggate's Park has not been accompanied by a sports pitch feasibility study. There are not known to be any physical constraints that would prevent the Hoggate's Park site from being satisfactorily developed for playing field use:- the site is currently in agricultural use and it will be necessary for measures such as the introduction of a pitch drainage system and appropriate ground levelling and surface preparation to take place in order to facilitate suitable quality natural turf playing pitches.

With regards to the size of the two football pitches proposed at Hoggate's Park, the detailed phase 1 plans show two pitches of approximately 73 x 46 metres in size, including run-off areas. These are the FA's recommended dimensions for a junior football pitch for meeting the under 11/under 12 age group.

However, the size of the area restricts larger pitches being marked out for meeting the needs of other age groups. This would potentially restrict the value of the site for community football as the pitches would only be suitable for one youth age group or mini football if smaller pitches were

marked out. Sport England request that consideration be given to extending the playing field area.

A sports pitch feasibility study has not been submitted to support the phase 1 planning application and the potential concerns about the sizes of the pitches that can be accommodated within Hoggate's Park. Sport England object to the proposals for the natural turf pitches. This could be addressed if a suitable sports pitch feasibility study is submitted before the planning application is determined and if attention can be given to increasing the size of the playing field to extend the range of football pitch sizes that could be accommodated within Hoggate's Park.

Sport England comment on the amended scheme in correspondence dated 10 October 2013 and consider that the amendments involving the revised siting of the MUGA and children's play area to the western part of Hoggates Park is welcomed as it would offer more space for football pitches. However, the full layout of Hoggates Park has not been submitted and Sports England position as set out above remains.

- 1.5 Hertfordshire Fire and Rescue set out a range of guidance for fire fighting vehicle access and water supplies including the provision of fire hydrants.
- 1.6 Herts Constabulary comment that they have been involved in the design of Phase 1 and they support the application in respect of community safety.
- 1.7 The Landscape Officer comments on the landscaping detail relating to the accesses to the site and finds this satisfactory. Generally also within the site the details are acceptable and the sustainable urban drainage system is considered to be worthy and to offer benefits in landscape terms.

In relation to matters of detail a cross section of the boulevard is required in order to appraise the viability of avenue trees and the potential species. His view is that the boulevard should have a wider landscaping strip.

The officer considers that the design vision is not properly realised and that it would benefit from the inclusion of additional street trees, verges and hedges. Parking courts are considered to be constrained. In summary the Landscape Officer recommends refusal as he considers that the proposals do not fully embrace the garden city principles.

- 1.8 The Environmental Health Officer seeks clarification in respect of the noise barriers referred to in the application document and comments

that the conditions previously suggested in respect of 3/13/0075/OP should be attached to any grant of permission to this application.

- 1.9 The Council's Engineers comment that there is a reduction in the quality and quantity of the SuDS as proposed in this application in comparison to the outline proposals in 3/13/0075/OP.

The swales proposed are compromised by the layout of the development and will result in more pipes than was previously proposed. The provision of a piped system has added maintenance costs whereas swales have added water quality, biodiversity and amenity value.

Filter drainage and dry swale drainage appear to be absent from the transportation network which were shown to be integral to the design for roads, footways and cycle ways. More information is required in respect of these features to identify the locations of the infrastructure and how these systems are intended to provide flood risk reduction, water quality enhancement and amenity for the development.

Green roofs which were previously shown for certain aspects of the development have been removed and it is not clear where ponds and bio-retention areas are to be incorporated into the design. Further information in respect of this matter is required and green roofs should be provided for the school, commercial and local business units.

The application shows a lower quality SuDS design from that originally shown within LPA reference 3/13/0075/OP, which will increase flood risk within the development and to the surrounding areas. Furthermore, the water quality, biodiversity and amenity characteristics associated with SuDS are reduced and the development is not considered to be a sustainable construction.

- 1.10 Natural England comment that the application does not pose any likely or significant risk to features of the natural environment and Natural England do not therefore provide specific comments on the application.

Natural England comment that despite their lack of specific comment, this should not be taken as a statement that there are no impacts on the natural environment but that other bodies and individuals may make comment on such matters.

Natural England have commented in email dated 04 November in respect of amended details and comment that their original comments remain relevant.

- 1.11 The Herts Biological Records Centre provides comments in respect of the impact on ecology having regard to the information submitted with the planning application.

The development site consists of two large residential areas which are separated by tracts of open land which have the potential to provide a significant asset to the development which will need to be managed to ensure their ecological interest is maintained.

The proposal involves the retention of most of the hedgerows within the site which contribute to the local ecological, landscape and amenity value. Any new hedgerow should adopt locally native species.

Protected species are adequately dealt with and any major tree works affecting bats will need to be assessed prior to the commencement of works.

The County Ecologist considers that the main issues of ecological concern or opportunities relate to future management of the woodland areas; hedgerows; grassland areas; compensation/translocation of the allotment grassland; potential for a community orchard and; ecological opportunities associated with SuDS.

- 1.12 Herts and Middlesex Wildlife Trust (HMWT) say their previous comments made in respect of 3/13/0075/OP remain relevant.

- 1.13 The County Council's Environmental Operations and Resource Planning Unit comment that the current application seeks determination on the detailed layout and landscaping within development parcels along major routes.

There is considered to be a lack of clarity and consistency within the current documents and the County Council reserves further comment on the detailed design, operation and maintenance requirements of both the strategic and detailed elements of the SuDS scheme.

The outline application (3/13/0075/OP) showed the provision of symmetrical and continuous swales along the main boulevard which has been altered in this application to a mixture of intermittent surface SuDS and piped sections on one side of the boulevard only. No evidence or rationale explaining this change in approach or the impact on efficiency that this would have or the implications for adoption and maintenance have been submitted.

A detailed drainage strategy and SuDS statement should be submitted to set out the detailed composition of the scheme and individual features. Without this information the County Council are unable to

comment on the proposals ability to meet their requirements and objectives.

The County Council are concerned that greater pressure will be placed on Hoggate's Wood, Ash Grove and the network of hedgerows which, together with the design and layout of the development may be detrimental to habitat and amenity value of existing green infrastructure and the efficiency and maintenance burden of the SuDS scheme.

1.14 The County Council's Historic Environment Unit has provided comments in respect of the impact on historic assets of archaeological interest.

Additional trial trenching was carried out in late August and mid September on land within the western neighbourhood which has provided valuable information that enable an informed interpretation of the archaeological remains within the site and a better assessment of the perceived level of sensitivity and significance of a proportion of the deposits and features present.

Additional archaeological features were identified in more than 60% of the trenches distributed over the site and four or five areas of later prehistoric activity are now better defined as a result of the works. The combined results of the evaluations now provide evidence that later prehistoric settlement and agriculture is likely to extend over a large proportion of the site and that it includes some well preserved deposits and features. The archaeological works therefore confirm that some areas of the site are unlikely to contain archaeological remains in the form of significant occupation evidence.

Field evaluation of the western neighbourhood has provided sufficient information to enable an informed planning decision to be made for this part of the site. A suitable programme of archaeological investigation to mitigate the impact on heritage assets of archaeological interest can be agreed through a planning condition.

However, archaeological evaluation through trial trenches has not been made on the eastern neighbourhood and it remains necessary for similar work to be undertaken to the eastern neighbourhood. Planning conditions regarding additional archaeological works to both areas are recommended by the County Archaeologist.

1.15 English Heritage note that this application provides more detailed information in respect of phase one which relates to the western half of the site and which does not include Foxdells Farm, a grade II listed building, which is their main concern.

- 1.16 Thames Water comment that they have no objection with regards to sewerage infrastructure. Thames Water have no concerns regarding the ability of Bishop's Stortford STW and the pumping station at Hallingbury Road to accept the flows from this development. There are capacity issues within the local sewerage network but there are locations identified to which the wastewater from the development could connect and have a minimal impact on the existing network downstream.

Thames Water comment that it is the applicants' responsibility to ensure proper provision for drainage to ground, water courses or a suitable sewer. It is recommended that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of ground water and, where the applicant proposes to discharge to a public sewer, consent from Thames Water will be required.

- 1.17 Affinity Water comments that the site is located within the groundwater protection zone of Redricks Lane Pumping Station. The construction works and operation of the proposed development should be undertaken in accordance with the relevant British Standard and Best Management Practice to reduce risk to groundwater protection.
- 1.18 Essex County Council Minerals and Waste Planning and Sustainable Environment and Enterprise Team have no comments to make on the planning application.
- 1.19 The Council's Planning Policy Team comments that ASR 1 and 2 may be brought forward on the basis of 'reasonable judgement' on the basis of housing need. This, together with the resolution from Members to bring forward the site and, the housing land supply issues since then, suggests that it would be reasonable to view the principle of development favourably.

Development on ASRs 3, 4, 5 and the SCA represent a departure to the Local Plan. However, in considering the principle of development of those sites, regard should be had to the whether the relevant policies of the Local Plan are consistent with the NPPF. Whilst consultation on the District Plan is underway, adoption will take around 18months and emerging work on District Plan has little formal status. Consideration will also need to be given to the presumption in favour of sustainable development in the NPPF.

Although the Local Plan draws a distinction between ASRs 1, 2 and the remainder of the site, in practice there appears to be no reasonable justification for maintaining this distinction when considering the

applications as a whole. The entire area should therefore be treated comprehensively as a single site.

National Grid notes that it does have apparatus within its control within the vicinity of the site.

2.0 Other consultation responses, local interest groups & societies

2.1 Cllr Woodward raises concern with the impact of the development on the free flow of traffic and traffic congestion associated with the development proposal, with particular reference to the options for access to Phase 1. He has forwarded representations from Bishop's Stortford Grove Residents Action Group (BSGRAG).

2.2 CPRE (Campaign to Protect Rural England) object to the planning application.

They raise concern with the way in which five year housing land supply figures are considered, particularly given any reliance on the revoked East of England Plan. CPRE refer the Council to the comments from a judge in *Tewkesbury BC V SSCLG (2013)* that the absence of a five year housing supply will not always be conclusive in favour of the grant of planning permission and the absence of supply is only one consideration required to be taken into account.

CPRE comment that the impact of the development on Bishop's Stortford needs to be fully assessed and consulted on prior to it taking place. This has not been undertaken in the view of CPRE nor has proper consideration of the provision of secondary education taken place.

2.3 Bishop's Stortford Rugby Club comment that there is a lack of provision for rugby and their previous concerns remain.

2.4 Bishop's Stortford and District Footpaths Association comment that their previous concerns have not been addressed. No mitigation measures to counter the impact of traffic generated by the proposed development on users of PRow have been detailed.

The Association raise concern with the siting of the secondary school and the likely conflict with the school and users of PRow. Concern is raised with the provision of playing pitches outside of the application site.

2.5 The Ramblers Association comment that Bishop's Stortford footpaths 1, 2 and 8 are popular and regularly used public rights of way which can be used in total safety. This will not be the case as a result of the development proposal. The proposal includes estate roads which will cut

across existing rights of way and road traffic must give way to users of the right of way and appropriate road infrastructure should be provided to ensure this.

The provision of a 'green corridor' around existing public rights of way as proposed by the applicant is welcomed. However, the proposal to make the public right of way accessible to cyclists is unacceptable as this will degrade the use for walkers and has safety implications.

The Ramblers Society comment in email dated 03 November in respect of the amended details and specifically in relation to the provision of a secondary school on the development site. They consider that any such school will be located on the public right of way to the detriment of users enjoyment of that public access.

3.0 Third party representations

- 3.1 The Silver Leys Trust objects to the application and comment that the additional residents associated with the development will result in pressure on the recreation and parking facilities at the Trust site. The Trust requests financial contributions to improve sporting provision at the site.
- 3.2 The occupiers of neighbouring properties adjoining and within the vicinity of the application site were notified in writing of the planning application. The application has also been advertised in the local newspaper and by means of site notices.
- 3.3 41 letters were received from the public objecting to the proposal. the summary of the main points of representations received in respect of application reference 3/13/0075/OP (and as set out in section 4.0 of ERP D of the 5 December report to Committee) can equally be applied to this application.